THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.3609 OF 2006

DATED: 20-02-2007

Between:

Smt. Meena Laxmichand . . .Petitioner

and

The Commissioner of Police,
Hyderabad and another
. . .Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.3609 OF 2006

O R D E R:

The petitioner seeks a writ of mandamus declaring the action of the 2nd respondent - Station House Officer, Shahinayatgunj Police Station, Hyderabad, in not investigating into Crime No.23 of 2006, which was registered on 23.01.2006.

It is stated that the petitioner filed a private complaint before the learned I Additional Chief Metropolitan Magistrate, Hyderabad, who in turn, referred the said complaint to the 2nd respondent and accordingly Crime No.23 of 2006 was registered on 23.01.2006 for the offences punishable under Sections 447, 506 IPC and Section 25(1)(b) of the Indian Arms Act. Though the crime was registered long back, the investigation has not been conducted and the accused was not arrested.

A counter affidavit has been filed by the 1st and 2nd respondents stating that pursuant to the reference of the complaint by the concerned Magistrate, the crime as stated above was registered, but in view of the order, dated 13.02.2006, passed by this Court in Crl.M.P.No.441 of 2006 in Crl.P.No.618 of 2006 granting stay of all further proceedings in the said crime, the investigation could not be conducted or completed.

I have called for the record relating to Crl.P.No.618 of 2006, which was dismissed as withdrawn by order, dated 28.06.2006. Therefore, there cannot be any impediment for the 2nd respondent to complete the investigation and to file a report.

Having regard to the aforesaid facts and circumstances, the writ petition is disposed of directing the 2nd respondent to expedite the investigation in the said crime and file an appropriate report without any further delay. No order as to costs.

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V.ESWARAIAH, J

20th FEBRUARY, 2007

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